

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 1, 2007

DIVISION ONE

B189776 People (Not for Publication)
v.
Charles W. Jones

The judgment is affirmed.

Rothschild, J.

We concur: Vogel (Miriam A.), Acting P.J.
Jackson, J. (Assigned)

B194013 Ricardo V. (Certified for Partial Publication)
v.
Superior Court, Los Angeles County
(Department of Children & Family Services, r.p.i.)

Petition for extraordinary writ is denied by opinion.

Rothschild, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B195477 McClellan (Not for Publication)
v.
Superior Court, Los Angeles County (The People, r.p.i.)

The Court:

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its June 30, 2006 order, denying the motion for issuance of a certificate of probable cause, and to issue a new and different order granting same, in Los Angeles Superior Court case No.YA060725, entitled People v. Antonio Lamont McClellan.

Mallano, Acting P.J. Vogel (Miriam A.), J. Rothschild, J.

DIVISION TWO

B189473 Hamilton (Not for Publication)
v.
Long Beach Memorial Medical Center

The judgment of the trial court is affirmed. LBMMC is entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
Chavez, J.

February 1, 2007 (Continued)

DIVISION TWO (Continued)

B193169 Rodriguez (Not for Publication)

V.
Centerscapes, Inc.

The judgment is affirmed. Defendant is awarded its costs on appeal.

Chavez, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B186935 People (Not for Publication)

V. Frank Stamps

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
Chavez, J.

B190066 People (Not for Publication)

V.
Jessie S.

The orders under review are affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

February 1, 2007 (Continued)

DIVISION TWO (Continued)

B192316 People (Not for Publication)

V.

Demond Joseph Bartley

The order under review is affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

DIVISION THREE

B183587 Bagwell Construction Services, Inc. (Not for Publication)

V.

Progressive Business Corporation dba Progressive Insulation and Windows

Joseph B. Wilmeth, et al.

The April 1, 2005, judgment and the July 12, 2005, order are affirmed. Bagwell Construction is awarded its costs on appeal. Progressive and the Wilmeths are to bear their own costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

B195778 Chalecki et al.

V.

State Farm Mutual Automobile Insurance Corporation et al.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed December 15, 2006) dismissed.

DIVISION FOUR (Continued)

B176081 Garcia (Not for Publication)

V.
Kent et al.

The judgments of dismissal for defendants Mendelsohn, Mashoof, Coufal, Heric, Kent, Schatz, Dureza, Maibaum, and Marshak are affirmed, and the summary judgments for Premier and Ochoa are affirmed. The defendants are awarded their costs.

Suzukawa, J.

We concur: Epstein, P.J.
Willhite, J.

B191506 Clymer et al. (Not for Publication)

V.
Candle Acquisition Co.

The order denying class certification of the unlawful wage statement claim is reversed and remanded for further consideration. The order is otherwise affirmed. Each party is to bear its own costs on appeal.

Epstein, P.J.

We concur: Willhite, J.
Manella, J.

DIVISION FIVE

B192186 Vivid Video, Inc. et al., (Certified for Publication)
v.
Playboy Entertainment Group et al

The appeal is dismissed. Parties to bear own costs.

Turner, P.J.

I concur: Kriegler, J.
I dissent: Mosk, J. (opinion)

B188775 The People ex rel. Dept. of Corp. (Certified for Publication)
v.
Speedee Oil Change Systems, Inc., et al.,
Beldoon Corporation

The attorney fee awards are reversed. In all other respects, the January 6, 2006, cost awards are affirmed. Defendants, Speedee Oil Change Systems, Inc., NoCal, Inc., Gary L. Copp, and Kevin M. Bennett, are to recover their costs incurred on appeal from plaintiffs in intervention, Beldoon Corporation, Donald Almen, Belva Almen, Jon Andersen, Jerry Beezley, M.G. Han, Sam Lau, and Christopher Mack.

Turner, P.J.

We concur: Mosk, J. (with opinion)
Kriegler, J.

DIVISION FIVE (Continued)

B187741 Dennis Ettlin (Not for Publication)

v.

Mary Therese Ettlin

The portion of the October 21, 2005 order awarding spousal support to Mary Therese Ettlin is reversed and remanded for a hearing on the issue of spousal support in the first instance. The parties are to bear their own costs on appeal.

Kriegler, J.

We concur: Turner, P.J.
 Mosk, J.

B185514 Tormod Andersen et al., (Not for Publication)

v.

Fire Insurance Exchange

The judgment is reversed. The orders granting the motion for judgment on the pleadings and summary adjudication of the cause of action for breach of contract are reversed. The matter is remanded to the trial court for further proceedings consistent with the above opinion. Appellants Tormod Andersen and Jennie Andersen are awarded their costs on appeal.

Kriegler, J.

We concur: Turner, P.J.
 Mosk, J.

DIVISION SEVEN

Court convened at 9:00 a.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

DIVISION SEVEN (Continued)

Each of the following:

B185029	People v. Miller
B185062	People v. Stevenson
B187571	People v. King
B187957	People v. Tyler
B188140	People v. Lopez
B188585	People v. Sosa
B189441	People v. Pacheco
B189496	People v. Asencio
B189714	People v. Freddy P.
B190292	People v. Bonner

Argument waived, cause submitted.

B185929	People v. Reyes
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Merits:

Argued by Joanna McKim for appellant and by Rama Maline, Deputy Attorney General for respondent. Cause submitted.

B186098	People v. Perdomo
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Merits:

Argued by Laura Schaefer for appellant and by David Wildman, Deputy Attorney General for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B188512 People
 v.
 Burnside

Merits:

Argued by Joanna McKim for appellant and by David Madeo, Deputy Attorney General for respondent. Cause submitted.

B185735 People
 v.
 Diaz

Merits:

Argued by Vanessa Place for appellant and by Arlene Games, Deputy Attorney General for respondent. Submission deferred. Court will send letter to all counsel regarding briefing specific questions.

B181844 People
 v.
 Shaw

Merits:

Argued by Mark Hart for appellant and by Michael Katz, Deputy Attorney General for respondent. Cause submitted.

B181232 People
 v.
 Nava et al.,

Merits:

Argued by Lynda Romero and Patricia Ihara for appellants and by Roy Preminger, Deputy Attorney General for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B187274 Badalian

v.

California Institute of Technology et al.,

Merits:

Argued by Edward Gregory for respondents. No appearance for appellant.
Cause submitted.

B181483 Continental Lynwood

v.

Lynwood Redevelopment

Merits:

Argued by Steven Moyer for appellant and by Maurice Chenier for
respondent. Cause submitted.

Court recessed at 11:42 a.m.

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Johnson, J., Woods, J. and Eva McClintock, Deputy Clerk.

B187044 Elfmont v. Burgstein

Argument waived, cause submitted.

B188277 Racine et al.,

v.

Zelig

Merits:

Parties announced settlement and request that appeal be dismissed
as moot. Court advised parties that an order of dismissal will follow.

DIVISION SEVEN (Continued)

B186368 Walser
 v.
 Stern

Merits:

Argued by Gary Stern, appellant in propria persona and by Brad Tubin for respondent. Cause submitted.

B184594 Hines
 v.
 Estate of De Rouen

Merits:

Argued by Ian Noel for appellant and by Patrick Stacker for respondent. Cause submitted.

B182068 Reyes et al.,
 v.
 Van Elk, Ltd., et al.,
 National Immigration Law Center

Merits:

Argued by Richard Donahoo for appellants and by Dana Harris for respondents and by Karen Tumlin for amicus curiae in support of appellant. Cause submitted.

Court adjourned.